

**REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 1-2, 5-20 and 25-32 were pending. By the present response, claim 1 has been amended, claims 4 and 21-24 canceled, and claims 33-38 have been added. Claim 1 has been amended to address a typographical error. Upon entry of the present response, claims 1-2, 5-20 and 25-38 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims and the specification, page 16, lines 18-22.

***CLAIM REJECTIONS UNDER 35 U.S.C. §103***

Claims 1-3, 5-20 and 25-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,763,643 to Martensson (hereafter "*Martensson*") on the grounds set forth on page 2 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

The present claims are directed to floorboards which can be joined mechanically in different patterns so as to resemble traditional parquet flooring comprising blocks. In the prior art floorboards, floorboard pieces were made large with patterning (either laminate or other type) on the surface to simulate multiple small floorboards on a single physical floorboard, thus addressing issues of waste and time for installation. However, as noted at page 9 of the application and FIG.

1C, floorboard pieces made with large patterning can produce unnatural appearance by, for example, lateral offset at joints.

The floorboard of the present claims addresses these and other improvements by providing a floorboard of certain maximum dimensions. Thus, in independent claim 1, a long edge of the floorboard has a length not exceeding 80 cm. and a short edge of the floorboard has a length not exceeding 10 cm

The Official Action relies upon the disclosure in *Martensson* and states on page 2 that "*Martensson* discloses the basic claim structure of the instant application but does not disclose specific long and short edge dimensions. Applicant fails to show criticality for the specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims."

These conclusions in the Official Action are respectfully traversed. Applicant has provided in the specification instances of criticality to the claimed dimensions. For example, it has been surprisingly found that these claimed small floorboards "provide an improved imitation of a classically patterned parquet flooring, since the joints will be consistent with the parquet blocks and not exhibit any pattern offsets or 'additional joints'." See, page 15, lines 15-18 of the present application.

Also, it is significant that the inventor has discovered the surprising result that, due to advances in the mechanical joint systems, "flooring which comprises small floorboards can be installed almost as quickly and with the same quality as traditional flooring comprising considerably larger floorboards." See, page 10, lines 21-26 of the present application.

Also, for example, and according to some, but not all, of the claims, the connector comprises a separate part, which projects from the joint edge and which is

mechanically joined with a core of the floorboard. Such a separate part may be utilized instead of removing material from the edge of the floorboard, thus reducing the amount of material waste. See page 11, lines 21-27 of the present application

It is respectfully asserted, based on at least the above, that criticality for the specifically claimed dimensions has been established, thereby rebutting the Examiner's finding of obviousness. For at least this reason, withdrawal of the rejection is respectfully requested.

The Official Action also states on page 2 that "*Martensson* discloses the basic claim structure of the instant application." The Official Action then cites to Fig. 8, element 2 as allegedly showing integrated connectors commiserate with the claimed feature.

This ground for rejection is respectfully traversed because the rejection has failed to show the identified features of the cited reference discloses, teaches or suggests all of the claimed features as required by an obviousness rejection (see MPEP 2143).

For example, independent claims 1, 25, 27, 29 and 32 each recite that the connectors are adapted for locking together the floorboard and the second floorboard (or similar floorboard) in a horizontal direction and a vertical direction (claims 1, 27, 29, and 32) and that opposing connectors lock similar, adjoining floorboards both vertically and horizontally (claims 25). In contrast to the claimed feature, the Examiner identified element 2 in Fig. 8 appears incapable of providing such feature. Rather, the v-shaped groove 21 and matching profile 22 merely mate to each other with no feature of the element 2 designed to hold the v-shaped groove 21 and matching profile 22 in attachment. At best the v-shaped groove 21 and

matching profile 22 of element 2 provide some resistance to forces provided perpendicular to the plane of the floorboard 1 and therefore, at best, resist some tendency to separate in the vertical direction. However, it is respectfully asserted that the v-shaped groove 21 and matching profile 22 of element 2 do not provide any locking feature in the horizontal direction preventing separation thereof.

Furthermore, as the *Martensson* reference does not describe any features of Figure 8, it is respectfully asserted that any inherent features of this element that may be noted by the Examiner is mere speculation and improper when relied upon in an obviousness rejection.

Based on the above and in contrast to applicant's independent claims 1, 25, 27, 29 and 32, the cited reference does not disclose, teach or suggest the feature of connectors adapted for locking together the floorboard and the second floorboard (or similar floorboard) in a horizontal direction and a vertical direction (claims 1, 27, 29, and 32) and opposing connectors lock similar, adjoining floorboards both vertically and horizontally (claim 25). Thus, the rejection has failed to show all of the claimed features as required by an obviousness rejection (see MPEP 2143). For at least this further reason, the rejection should be withdrawn.

### ***NEW CLAIMS***

New claims 33-38 have been added. These claims contain additional features associated with the claimed floorboard(s) and methods. New claims 33-38 depend from independent claims of the application and distinguish over the cited references for at least the same reasons as noted above with respect to their respective independent claim.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: \_\_\_\_\_

Jeffrey G. Kilian  
Registration No. 50,891

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620